

REMARKS

In response to the Official Action of March 24, 2005, claims 1-3, 7 and 8 have been amended and claim 12 is newly presented. A typographical error in the specification at the paragraph beginning on page 4, line 6 has also been made.

Referring now to paragraph 1 of the Official Action, claims 2-4, 7 and 8 are rejected on 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claims 7 and 8, the Examiner states that the phrase “the mains” lacks antecedent basis. Claim 7 has been amended to overcome the antecedent basis rejection. In claim 8, the phrase “the mains” is not present and therefore the rejection of this claim for lack of antecedent basis is moot.

Claim 2 is rejected on the basis that the phrase “the means for supplying power to the display board” and “the display board” lack antecedent basis. With regard to the phrase “the means for supplying power to the display board,” amendment has been made to recite “means for supplying power to the fixed and/or rotatable section(s)” and therefore finds proper antecedent basis to claim 1. The second phrase “the display board,” apart from the above-recited “means for supplying power to the display board,” is not found in claim 2 and therefore the rejection concerning this phrase is not understood.

Referring now to paragraph 2 of the Official Action and the rejection of claim 8 regarding the phrase “such as,” amendment has been made to claim 8 to delete usage of this phrase, as well as to limit the claim to a solar panel regarding the means for supplying power.

Claim 3 has been amended to add a period as an end-marker.

Referring now to paragraphs 3-6 of the Official Action, claims 1-3 and 5-7 are rejected under 35 U.S.C. §102(b) as anticipated in view of US patent 1,687,391, Samminiatielli. Samminiatielli discloses in Figures 1-3 and 5 a display apparatus which has a shaft 13 provided with spaced collector rings 23 and a ring 24 which is provided for contact by a brush 25 which in turn is connected to a source of current such as a battery 26. As seen in Figure 1, lamps in

various groups C, D, E and F are provided for receipt of lamps of different colors. As best seen in Figure 2, a backing plate 21 is secured to shaft 13 and rotates with it along with the above-recited lamps. As such, Samminiatielli describes a rotating sign but where the rotatable section rotates within the plane of the rotatable section as is clearly evident from Figures 1 and 2. That is, the axis of rotation as defined by axis 13 is normal to the plane of the rotatable section defined by plate 21.

The present invention as claimed in amended claim 1 is directed to a sign which has a fixed section including at least one pair of bearings and means for attachment to a power supply and a rotatable section having means for attachment to the bearings on the fixed section, enabling rotation of one section about the other about an axis through the rotatable section. This is clearly seen in the drawings of the present application including Figure 1 wherein display shaft 18 imparts rotation to the display board 20 which in turn incorporates a plurality of lights 22. Shaft 18 thus defines an axis within the plane of display board 20. This feature is also described in the specification at page 4, lines 2-13. The rotatable section of the present invention having an axis through the rotatable section and thus through the plane of the rotatable section facilitates the ability of the present invention to generate an illusion of a 3-D image which is described in the application as filed, including page 6, lines 15-23. Thus, the present invention discloses and claims a rotatable section whose rotational axis is in the plane of the rotatable section, unlike that of Samminiatielli. As a result, it is respectfully submitted that Samminiatielli teaches away from the present invention and neither anticipates nor suggests claim 1 as amended and the dependent claims thereto. Therefore, dependent claims 2, 3 and 5-7 which were also rejected as anticipated are also believed to be neither disclosed nor suggested by Samminiatielli.

Referring now to paragraphs 7 and 8 of the Official Action, claims 8-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Samminiatielli further in view of US patent 4,903,172, Schöniger et al. The rejection of these claims is believed to be overcome due to their ultimate dependency from claim 1 which is believed to be distinguished over the cited art.

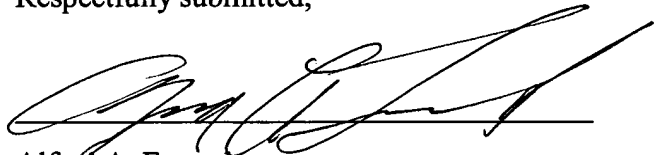
Newly submitted claim 12 is directed to a sign as claimed in claim 1, wherein power is provided from a dynamo, powered from rotation of the rotatable section. This claim is supported

by the original application as filed, including originally filed claim 8. Due to its dependency from claim 1, claim 12 is believed to be distinguished over the cited art.

Referring now to paragraph 9 of the Official Action, the prior art made of record and not relied upon does not, taken alone or in combination with the previously cited art, disclose or suggest any of the claims of the present application. In particular, none of these references are believed to disclose or suggest a sign including a fixed section including at least a pair of bearings and means for attachment to a power supply, a rotatable section having means for attachment to the bearings on the fixed section enabling rotation of one section about the other about an axis through the rotatable section, lights on the fixed and/or rotatable section(s) being powered from the power supply, as well as means for supplying power to the fixed and/or rotatable section(s).

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', written over a horizontal line.

Alfred A. Fressola
Attorney for Applicant
Registration No. 27,550

Dated: June 23, 2005

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955